



GEORGIA DEPARTMENT OF  
COMMUNITY HEALTH

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Health Planning Review Board Members

## OFFICE OF GENERAL COUNSEL

### CERTIFICATE OF NEED

# Tracking And Appeals Report

Week of May 2, 2005

Georgia Department of Community Health  
Office of General Counsel  
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## New Applications

### **2005-025 Emory University Hospital**

To Relocate and Expand The Outpatient Transplant Clinic

**Filed: 4/26/2005**

**Site:** 1364 Clifton Road, NE, Atlanta, GA 30322 (DeKalb County)

**Contact:** Toni Wimby 404-686-2450 **Estimated Cost:** \$2,780,772

### **2005-026 Savannah Partners, LLC d/b/a ENT Surgical Center**

To Request a Limited Purpose Ambulatory Surgery Center

**Filed: 4/29/2005**

**Site:** 13040 Abercorn Street, Suite 2, Savannah, GA 31419 (Chatham County)

**Contact:** Sharon D. Bowen, CASC, Administrator **Estimated Cost:** \$0  
912-920-6911

### **2005-027 Heritage of Peachtree**

The Addition of Twelve New Beds

**Filed: 4/29/2005**

**Site:** 1967 Highway 54 West, Fayetteville, GA 30214 (Fayette County)

**Contact:** Peggy Peters, Regional GM 770-845-6483 **Estimated Cost:** \$0

## Pending Review/Incomplete Applications

### **2005-020 Saint Joseph's Hospital of Atlanta, Inc.**

The Addition of an Eighth Cardiac Catheterization Lab

**Filed: 4/1/2005 Deemed Incomplete: 4/14/2005**

**Site:** 5665 Peachtree Dunwoody Road, N.E., Atlanta, GA 30342 (Fulton County)

**Contact:** Douglas J. Holbrook, Director, New Business **Estimated Cost:** \$2,908,418  
404-851-5933

### **2005-023 The Emory Clinic, Inc.**

To Purchase a MRI Scanner

**Filed: 4/13/2005 Deemed Incomplete: 4/27/2005**

**Site:** 1365 Clifton Road, NE, Atlanta, GA 30322 (DeKalb County)

**Contact:** Mike Mason 404-778-5639 **Estimated Cost:** \$2,104,103

## Pending Review/Complete Applications

### **2004-109 MCG Health, Inc**

Separation and Relocation of Electrophysiology (EP) Laboratory

**Filed: 12/3/2004 Deemed Incomplete: 12/16/2004 Deemed Complete: 2/14/2005**

**60th Day Deadline: 4/14/2005**

**Decision Deadline: 5/14/2005**

**Site:** 1120 15th Street, Augusta, GA 30912 (Richmond County)

**Contact:** Sheila O'Neal 706-721-5709 **Estimated Cost:** \$4,371,640

### **2005-002 Emory Crawford Long Hospital**

To Purchase a PET/CT Scanner

**Filed: 1/4/2005 Deemed Incomplete: 1/18/2005 Deemed Complete: 2/14/2005**

**60th Day Deadline: 4/14/2005**

**Decision Deadline: 5/14/2005 Extended Deadline: 6/13/2005**

**Site:** 550 Peachtree Street, NE, Atlanta, GA 30308 (Fulton County)

**Contact:** Toni Wimby 404-686-2450 **Estimated Cost:** \$2,977,782

### **2005-004 Alliance Imaging, Inc.**

To offer mobile Positron Emission Tomography "PET" Services in Georgia

**Filed: 1/12/2005 Deemed Complete: 1/26/2005**

**60th Day Deadline: 3/26/2005**

**Decision Deadline: 4/25/2005 Extended Deadline: 5/25/2005**

**Site:** 3443 Ashford Dunwoody Rd., Suite 167, Atlanta, GA 30319 (DeKalb County)

**Contact:** Ryan H. Canavan 1-800-544-3215

**Estimated Cost:** \$12,000

**2005-008 Northside Hospital - Forsyth**

To Establish a Maternity/Newborn Service and Construct a Womens Center

**Filed: 2/2/2005 Deemed Complete: 2/16/2005**

**60th Day Deadline: 4/16/2005**

**Decision Deadline: 5/16/2005**

**Site:** 1200 Northside Forsyth Drive, Cumming, GA 30041 (Forsyth County)

**Contact:** Brian J. Toporek 404-851-6821

**Estimated Cost:** \$36,106,522

**2005-009 Northside Hospital**

To Expand and Renovate Northside Hospital

**Filed: 2/2/2005 Deemed Complete: 2/16/2005**

**60th Day Deadline: 4/16/2005**

**Decision Deadline: 5/16/2005**

**Site:** 1000 Johnson Ferry Road, Atlanta, GA 30342 (Fulton County)

**Contact:** Brian J. Toporek 404-851-6821

**Estimated Cost:** \$64,930,970

**2005-010 Henry Medical Center**

To Renovate and Purchase a CT Scan

**Filed: 2/14/2005 Deemed Incomplete: 2/28/2005 Deemed Complete: 3/28/2005**

**60th Day Deadline: 5/27/2005**

**Decision Deadline: 6/26/2005**

**Site:** 1133 Eagle's Landing Parkway, Stockbridge, GA 30281 (Henry County)

**Contact:** Michael P. Britain, CHE 404-847-0100

**Estimated Cost:** \$973,091

**2005-011 Northeast Georgia Medical Center**

Addition of a Fourth Cardiac Catheterization Laboratory

**Filed: 2/24/2005 Deemed Incomplete: 3/10/2005 Deemed Complete: 3/28/2005**

**60th Day Deadline: 5/27/2005**

**Decision Deadline: 6/26/2005 Extended Deadline: 7/26/2005**

**Site:** 743 Spring Street, Gainesville, GA 30501 (Hall County)

**Contact:** Tracy Vardeman 770-531-6292

**Estimated Cost:** \$5,782,503

**2005-012 Northside Hospital**

Relocate and Consolidate Existing Hospital Services Into Leased Space

**Filed: 3/3/2005 Deemed Complete: 3/17/2005**

**60th Day Deadline: 5/16/2005**

**Decision Deadline: 6/15/2005 Extended Deadline: 7/15/2005**

**Site:** 1000 Johnson Ferry Rd., Atlanta, GA 30342 (Fulton County)

**Contact:** Brian J. Toporek (404) 851-6821

**Estimated Cost:** \$9,710,668

**2005-013 South Georgia Medical Center**

To Consolidate Existing IT/IS Department into a Single Location

**Filed: 3/7/2005 Deemed Incomplete: 3/21/2005 Deemed Complete: 4/4/2005**

**Decision Deadline: 5/19/2005**

**Site:** 2501 N. Patterson Street, Valdosta, GA 31602 (Lowndes County)

**Contact:** Jack H. Edwards 229-259-4107

**Estimated Cost:** \$3,021,288

**2005-014 Tift Regional Medical Center**

The Expansion, Relocation and Addition of Six Beds to the ICU

**Filed: 3/11/2005 Deemed Complete: 3/25/2005**

**60th Day Deadline: 5/24/2005**

**Decision Deadline: 6/23/2005**

**Site:** 901 East 18th Street, Tifton, GA 31793 (Tift County)

**Contact:** Sarah Thompson 229-386-6102

**Estimated Cost:** \$15,143,629

**2005-015 Satilla Regional Cancer Treatment Center**

Relocation of Radiation Therapy Services

**Filed: 3/14/2005 Deemed Incomplete: 3/28/2005 Deemed Complete: 4/11/2005**

**60th Day Deadline: 6/10/2005**

**Decision Deadline: 7/10/2005 Extended Deadline: 8/9/2005**

**Site:** 2002 Pioneer Street, Waycross, GA 31501 (Ware County)

**Contact:** Michael Safer, M.D. 912-283-3087

**Estimated Cost:** \$3,462,721

**2005-016 Select Specialty Hospital of Augusta**

To Construct an 80-Bed Freestanding LTACH

**Filed: 3/25/2005 Deemed Incomplete: 4/8/2005 Deemed Complete: 4/27/2005**

**60th Day Deadline: 6/26/2005**

**Decision Deadline: 7/26/2005**

**Site:** Walton Way/Wrights Ave, Augusta, GA 30904 (Richmond County)

**Contact:** Gregory H. Sassman 615-284-6716

**Estimated Cost:** \$21,977,081

**2005-017 Kennestone Hospital, Inc. d/b/a WellStar Kennestone Hospital**

To Renovate and Expand the Central Energy Plant

**Filed: 3/29/2005 Deemed Complete: 4/12/2005 Deemed Complete: 4/12/2005**

**Decision Deadline: 5/27/2005**

**Site:** 677 Church Street, Marietta, GA 30060 (Cobb County)

**Contact:** Debbie Jefferson, Strategic Planning  
Coordinator 770-792-5264

**Estimated Cost:** \$9,350,000

**2005-018 Memorial Health University Medical Center**

To Construct a New Educational Facility

**Filed: 3/30/2005 Deemed Complete: 4/12/2005 Deemed Complete: 4/12/2005**

**Decision Deadline: 5/27/2005**

**Site:** 4700 Waters Ave., Savannah, GA 31404 (Chatham County)

**Contact:** Joseph R. Ross, Esq. 912-350-5159

**Estimated Cost:** \$20,884,389

**2005-019 Phoebe Putney Memorial Hospital, Inc.**

To Renovate an Existing Building to Develop a Laundry Facility

**Filed: 3/30/2005 Deemed Complete: 4/12/2005 Deemed Complete: 4/12/2005**

**Decision Deadline: 5/27/2005**

**Site:** 417 Third Avenue, Albany, GA 31701 (Dougherty County)

**Contact:** Lori Jenkins, Manager of Planning  
229-312-14732

**Estimated Cost:** \$3,600,761

**2005-021 Center for Reconstructive Surgery, Inc.**

To Relocate to an Existing Facility

**Filed: 4/8/2005 Deemed Incomplete: 4/21/2005 Deemed Complete: 5/2/2005**

**60th Day Deadline: 7/1/2005**

**Decision Deadline: 7/31/2005**

**Site:** 5335 Old National Hwy., College Park, GA 30349 (Fulton County)

**Contact:** Greg Alvarez, DPM 404-768-3668

**Estimated Cost:** \$775,083

**2005-022 Habersham County Medical Center**

To Construct a Free-Standing 2-Level Annex Building

**Filed: 4/13/2005 Deemed Complete: 4/28/2005**

**60th Day Deadline: 6/27/2005**

**Decision Deadline: 7/27/2005**

**Site:** 541 Historic Highway 441 North, Demorest, GA 30535 (Habersham County)

**Contact:** James A. Peterson, Senior V.P. Finance  
706-754-3113, ext. 1103

**Estimated Cost:** \$4,310,264

**2005-024 Coffee Regional Medical Center**

Expansion & Renovation of an Existing Facility

**Filed: 4/14/2005 Deemed Complete: 4/28/2005**

**60th Day Deadline: 6/27/2005**

**Decision Deadline: 7/27/2005**

**Site:** 1101 Ocilla Road, Douglas, GA 31533 (Coffee County)

**Contact:** George L. Heck, III, Pres.& CEO

**Estimated Cost:** \$8,524,250

## **Pending Review/Complete/Joined Applications**

none

## **Recently Approved Applications**

### **2004-090 Medical Center of Central Georgia**

Relocation and Consolidation of Cardiovascular Services

**Filed: 9/30/2004 Deemed Incomplete: 10/14/2004 Deemed Complete: 12/27/2004**

**60th Day Deadline: 2/24/2005**

**Decision Deadline: 4/25/2005**

**APPROVED: 4/19/2005**

**Site:** 77 Hemlock Street, Macon, GA 31201 (Bibb County)

**Contact:** Marvin Noles 478-633-6960

**Estimated Cost:** \$80,000,000

### **2004-113 Macon Cardio-Vascular Institute, LLC**

Acquisition of a CT Scanner

**Filed: 12/17/2004 Deemed Incomplete: 1/4/2004 Deemed Complete: 1/24/2005**

**60th Day Deadline: 3/24/2005**

**Decision Deadline: 4/23/2005**

**APPROVED: 4/21/2005**

**Site:** 575 First Street, Macon, GA 31201 (Bibb County)

**Contact:** Joe H. Johnson 478 743-9762

**Estimated Cost:** \$1,490,975

### **2004-117 Gwinnett Bone & Joint Specialists**

To install a Magnetic Resonance Imaging (MRI) System

**Filed: 12/30/2004 Deemed Incomplete: 1/13/2004 Deemed Complete: 1/26/2005**

**60th Day Deadline: 3/26/2005**

**Decision Deadline: 4/25/2005**

**APPROVED: 4/22/2005**

**Site:** 2400-1 Wisteria Drive, SW, Snellville, GA 30078 (Gwinnett County)

**Contact:** Meg Fitton 770 985-9330

**Estimated Cost:** \$1,090,394

### **2005-001 Piedmont Fayette Hospital**

To Develop a Five-Story Medical Office Building

**Filed: 1/4/2005 Deemed Incomplete: 1/18/2005 Deemed Complete: 3/7/2005**

**Decision Deadline: 4/21/2005**

**APPROVED: 4/20/2005**

**Site:** 1255 Highway 54 West, Fayetteville, GA 30214 (Fayette County)

**Contact:** Michael Burnett 770-719-7000

**Estimated Cost:** \$6,782,459

### **2005-003 Canterbury Court**

Expansion and Renovation of a Continuing Care Retirement Community

**Filed: 1/6/2005 Deemed Incomplete: 1/19/2005 Deemed Complete: 2/8/2005**

**60th Day Deadline: 4/8/2005**

**Decision Deadline: 5/8/2005 Extended Deadline: 6/7/2005**

**APPROVED: 5/6/2005**

**Site:** 3750 Peachtree Road., NE, Atlanta, GA 30319 (Fulton County)

**Contact:** Andrea Price 404 261-6611

**Estimated Cost:** \$27,765,000

### **2005-005 Athens Regional Medical Center**

To Expand the Existing Emergency Department

**Filed: 1/18/2005 Deemed Complete: 1/31/2005**

**60th Day Deadline: 3/31/2005**

**Decision Deadline: 4/30/2005**

**APPROVED: 4/29/2005**

**Site:** 1199 Prince Avenue, Athens, GA 30606 (Clarke County)

**Contact:** W. Larry Webb 706-475-3334

**Estimated Cost:** \$44,000,000

**2005-006 Henry Medical Center**

Expansion of Outpatient Atrium

**Filed: 1/21/2005 Deemed Complete: 2/3/2005**

**60th Day Deadline: 4/3/2005**

**Decision Deadline: 5/3/2005**

**APPROVED: 4/29/2005**

**Site:** 1133 Eagle's Landing Parkway, Stockbridge, GA 30281 (Henry County)

**Contact:** Michael P. Britain 404-847-0138

**Estimated Cost:** \$3,289,000

## Recently Denied Applications

**2004-106 Gordon Hospital**

Establish Adult Diagnostic Cardiac Catheterization Service

**Filed: 11/22/2004 Deemed Incomplete: 12/7/2004 Deemed Complete: 12/20/2004**

**60th Day Deadline: 2/17/2005**

**Decision Deadline: 3/19/2005 Extended Deadline: 4/18/2005**

**DENIED: 4/18/2005**

**Site:** 1035 Red Bud Road, Calhoun, GA 30701 (Gordon County)

**Contact:** Carlene Jamerson 706-602-7800

**Estimated Cost:** \$1,275,020

## Applications Withdrawn by Applicant

none

## Appealed CON Projects

**2002-029 Sunbelt Home Care (Gordon)**

**2002-030 Healthfield Home Health, Inc.**

**2002-032 Amedysis Home Health of Ft. Oglethorpe**

Home Health Services Expansion in HPA 1 (HHA)

**Agency Decision:** Approved 2002-029 and 2002-032, 8/30/02. Denied 2002-030, 8/30/02.

**Appealed By:** Appealed by 2002-030, 9/18/02.

**Hearing Officer:** Ellwood F. Oakley, III

**Hearing Date:** Hearing held on 1/14/03 and 01/15/03;

**Hearing Decision:** Hearing Officer decision pending, 2/10/03; Hearing Officer Decision affirmed Department decision, 3/29/03. Healthfield filed objections to hearing officer's decision and requested Review Board hearing 04-29-03. Review Board hearing to be held on 7-14-03.

**Review Board Decision:** Review Board affirmed award of CON to Amedysis Home Health of Ft. Oglethorpe on 08/12/03.

**Appealed to Superior Court:** Healthfield Home Health, Inc. filed Petition for Judicial Review in Superior Court of Fulton County on 9/11/03. Oral argument held on 8/4/2004.

**2003-007 Cancer Treatment Center at Henry County (Henry)**

Construction of Oncology Treatment Center

**Agency Decision:** Approved 6/16/03

**Appealed By:** Institute for Radiation Therapy, Inc.(IRT), Griffin Regional Radiation Therapy Center (Griffin) and Radiotherapy Clinics of Georgia (RCG) requested administrative hearing in opposition to Cancer Treatment Center at Henry County (CTC) on June 27, 2003.

**Hearing Officer:** Jordan E. Lubin

**Hearing Date:** Hearing scheduled 3-2-04 thru 3-4-04;

**Hearing Decision:** Hearing Officer issued Decision on 5/24/2004 and ordered the decision awarding a CON to CTC be reversed. On 6/9/2004, Hearing Officer issued Order on Motion for Reconsideration modifying his Final Decision issued on 5/24/2004 to add a footnote. Decision remains unchanged in all

other respects; On 6/23/2004, CTC and the Department each filed objections to Hearing Officer's final decision. Notice of extension for Review Board meeting issued on 7/2/2004.

**Review Board Decision:** Review Board meeting held 8/27/2004 at 10:00. Review Board issued decision on 9/8/2004 affirming Hearing Officer's decision of 5/24/2004 and ordered the Department not issue a CON to CTC for radiation therapy service at Henry County.

**Appealed to Superior Court:** CTC filed Petition for Judicial Review in the Fulton County Superior Court on 10/11/2004. IRT and Griffin filed Cross Petition for Judicial Review on 10/8/2004.

**Additional Information:** RCG withdrew its appeal of CTC's project and on 2/24/04 the hearing officer ordered that the CON granted by the Department to RCG is deemed unopposed. Hearing shall proceed with CTC, IRT, and Griffin.

#### **2003-070 Open MRI & Imaging of Albany, LLC (Dougherty)**

Addition of Fixed-Based MRI Unit

**Agency Decision:** Approved January 30, 2004

**Appealed By:** Phoebe Putney Memorial Hospital, Inc. filed an appeal in opposition on 2/26/04; Motion to Intervene filed by Palmyra Medical Centers; motion denied by Hearing Officer on 6/10/04.

**Hearing Officer:** Melvin Goldstein

**Hearing Date:** Hearing scheduled for 8/25/2004 at 9:30am. Hearing date set for 9:30 am was postponed. Hearing rescheduled for 11/8/2004 at 9:30 am. Hearing was held on 11/8/2004 and 11/9/2004. The final day of hearing was 12/10/2004.

**Hearing Decision:** Hearing Officer affirmed Department's decision to grant a CON to Open MRI & Imaging of Albany, 3/16/2005. Phoebe Putney submitted objections to Hearing Officer's decision, 4/18/2005. Review Board to hear oral argument on 5/13/2005. This case will immediately follow case 2004-022 which begins at 10:00 am.

**Review Board Decision:** pending

**Additional Information:** Hearing Officer issued Order denying Phoebe Putney's motion to remand and granting Open MRI's motion to quash, 11/4/2004.

#### **2003-097 Amedisys Home Health of Augusta (Richmond)**

#### **2003-118 CSRA Diversified, Augusta (Richmond)**

#### **2003-120 CareSouth, Washington (Wilkes)**

#### **2003-122 Guardian Home Care of East Georgia (Richmond)**

Establishment of New Home Health Agency in SSDR 7 (Batching Cycle)

**Agency Decision:** On 3/8/2004, CareSouth was approved; Amedisys, Healthfield, United, CSRA Diversified, TM Ventures, CHMG, Guardian and CSRA Nursing were denied.

**Appealed By:** Amedisys contests the denial of their application and the approval of CareSouth. Guardian and CSRA Diversified contests denial of their applications. Amedisys, Guardian and CSRA Diversified requests intervention in any other appeal filed in this batch; On 6/3/2004 CSRA Diversified withdrew its request for an appeal. On 6/7/2004 Guardian withdrew request for hearing. Amedisys Augusta filed objections to decision of Hearing Officer and requested oral argument before full Review Board, 12/22/2004.

**Hearing Officer:** Walter Van Heiningen

**Hearing Date:** Hearing scheduled for 9/13/04 at 9:30am.

Hearing held 9/13 - 14/2004 at 9:30am.

**Hearing Decision:** Hearing Officer issued decision on 11/22/2004 and ordered that DCH's decision to award a CON to CareSouth and deny a CON to Amedisys be affirmed that a CON be issued to CareSouth for it to expand into Burke, Columbia, Glascock, Jefferson, Jenkins, Richmond, Warren and Washington Counties.

**Review Board Decision:** Review Board meeting scheduled 1/24/2005 at 10 am. Review Board meeting to be rescheduled since a 45-day extension was granted due to scheduling conflicts, 1/19/2005. Review Board meeting held 3/4/2005 at 10:00 am. On 3/14/2005, the Review Board issued order denying Amedisys' Motion for Leave to Present Additional Evidence and affirming Hearing Officer's decision of 11/22/2005.

Appealed to Superior Court: Amedisys filed Petition for Judicial Review with Superior Court of Fulton County, 4/13/2005.

#### **2004-022 N.Atlanta Diagnostic and Cardiovascular Center d/b/a Global Diagnostic, LLC (Fulton)**

Establishment of Diagnostic Imaging Service

**Agency Decision:** Approved 8/31/2004.

**Appealed By:** Northside Hospital, 9/3/2004 and Diagnostic Imaging of Atlanta, 9/3/2004.

**Hearing Officer:** Melvin Goldstein

**Hearing Date:** Hearing held 11/15-17/2004.

**Hearing Decision:** In his final decision on 2/18/2005, the Hearing Officer ordered that Global Diagnostic be granted a CON. Diagnostic Imaging of Atlanta filed objections to Hearing Officer's decision, 3/21/05. Northside Hospital filed objections to Hearing Officer's decision, 3/23/05. Due to scheduling difficulties, Review Board Vice-Chair granted an extension for the initial time period for review, 4/7/2005. Arguments before full Review Board scheduled for 5/13/2005 at 10:00 am.

**2004-039 First Source Diagnostic Center (Forsyth)**

**2004-050 Johns Creek Diagnostic Imaging Center**

2004-039 Procurement of MRI Equipment

2004-050 Develop an outpatient freestanding multi-modality DTRC

**Agency Decision:** First Source Diagnostic Center, Inc. approved on 9/24/2004; Johns Creek Diagnostic Imaging Center approved on 9/24/2004

**Appealed By:** Diagnostic Imaging of Atlanta requested hearing in opposition, 10/4/2004. Johns Creek Diagnostic Imaging Center requested hearing in opposition, 10/12/2004, and requested intervention in any appeal involving Diagnostic Imaging of Atlanta to the extent that such hearing is not consolidated with the hearing requested by Johns Creek. Northside Hospital requested hearing in opposition, 10/18/2004. Emory Dunwoody requested hearing in opposition, 10/20/2004. First Source Diagnostic moved to intervene in any proceedings regarding Johns Creek Diagnostic's application and its CON, 11/3/2004.

**Hearing Officer:** Walter Van Heiningen

**Hearing Date:** Hearing scheduled for 2/15-17/2005 at 9:30am. Hearing was held as scheduled.

**Hearing Decision:** Summary Judgment denying First Source a CON was issued 2/11/2005. Decision for Johns Creek Diagnostic Imaging Center is pending. On 3/16/05, First Source filed specific objections to the Summary Adjudication to the Review Board.

**2004-048 Phoebe Putney Memorial Hospital Imaging Center (Dougherty)**

**2004-054 Albany Diagnostic Center, LLC**

Development of Outpatient Imaging Center

**Agency Decision:** Phoebe Putney Memorial, Denied 11/5/2004; Albany Diagnostic Center, Denied 11/5/2004

**Appealed By:** Albany Diagnostic Center requested hearing on 11/9/2004; Phoebe Putney Memorial requested hearing on 11/15/2004 and seeks intervention in any appeal regarding the joined application of Albany Diagnostic. Palmyra Park Hospital requested intervention in any appeal filed by Phoebe or Albany, 11/23/04. Open MRI & Imaging of Albany requested intervention in any appeal filed by Phoebe or Albany, 11/29/04.

**Hearing Officer:** Melvin Goldstein

**Hearing Date:** Hearing scheduled for 2/15/2005 - 2/18/2005. Hearing to be rescheduled. Hearing scheduled for 5/16-19/2005. Phoebe filed Motion to Dismiss Open MRI and Imaging of Albany for lack of standing. Albany Diagnostic joins Phoebe's Motion. Palmyra and the Department join Open MRI in opposing Phoebe's Motion. Hearing Officer denied Motion to Dismiss, 4/25/2005.

**2004-055 WellStar Kennestone Hospital (Cobb)**

Addition of CyberKnife Stereotactic Radiosurgery Unit

**Agency Decision:** Approved 10/29/2004

**Appealed By:** Piedmont Hospital 11/24/2004

**Hearing Officer:** Ellwood Oakley

**Hearing Date:** Hearing scheduled for 3/21/2005 at 9:00 am. Hearing postponed. Hearing rescheduled 6/1-3/2005 at 9:30am.

**2004-060 Northside Hospital - Cherokee (Cherokee)**

Establishment of Adult Cardiac Catheterization Services

**Agency Decision:** Approved 12/30/2004

**Appealed By:** Piedmont Hospital requested hearing in opposition, 1/27/2005.

**Hearing Officer:** William Joy

**Hearing Date:** TBD



**2004-061 Radiotherapy Clinics of Georgia (DeKalb)**

Establishment of New Radiation Therapy Services

**Agency Decision:** Denied 10/21/2004

**Appealed By:** Radiotherapy Clinics of Georgia. Atlanta Oncology filed a Motion to Intervene, 11/30/2004. Hearing Officer issued order denying Atlanta Oncology's Motion to intervene, 4/1/2005. Hearing postponed.

**Hearing Officer:** William Joy

**Hearing Date:** Hearing scheduled 5/10-11/2005. Hearing postponed, to be re-scheduled.

**2004-086 Surgical Centers of Georgia (Bibb)**

Addition of Third OR and Pain Management to Existing ASC

**Agency Decision:** Denied 1/25/2005

**Appealed By:** Applicant 2/2/2005

**Hearing Officer:** William Joy

**Hearing Date:** Hearing was held on 5/4/2005 at 10:00 am.

**2004-095 Memorial Health University Medical Center, Inc. (Chatham)**

Construction and Relocation of 2 Existing Operating Rooms

**Agency Decision:** Approved 3/31/2005

**Appealed By:** Saint Joseph and Candler Hospitals requested hearing in opposition, 4/28/2005.

**Hearing Officer:** TBA

## Appealed Determinations

**DET-2003-001 Alliance Imaging, Inc.**

Requested determination regarding acquisition and operation of mobile CT scanner. Requested hearing on determination canceling Letter of Exemption. Cancellation of Determination: 1/15/2004. Appealed by applicant on 2/3/2004. Clifford M. Weiss is Hearing Officer.

**DET-2003-002 Stockbridge Diagnostic Imaging**

Requested determination regarding acquisition of Refurbished Philips CT System. Requested hearing on determination canceling Letter of Exemption dated 1/15/2004. Appealed by applicant on 2/6/2004. Clifford M. Weiss is Hearing Officer.

**DET-2004-069 Atlanta Oncology Associates, PC – Northside/Alpharetta Cancer Treatment Center**

Change location of its radiation therapy facility and linear accelerator. Request approved on 1/21/2004 but Department cancelled its determination on 4/28/2004. Applicant requested hearing on 5/28/2004. Clifford Weiss is Hearing Officer.

**DET- 2004-001 North Atlanta Scan Associates, Inc.****(2004-CV-89690) (A05D0162)**

NASA requested hearing for the purpose of contesting the validity of a cease and desist letter issued by Department on 11/14/2003. Hearing Officer is Melvin Goldstein. Georgia Alliance of Community Hospitals, Inc. and Diagnostic Imaging of Atlanta have sought intervention. Hearing began 2/25/2004 and continued to 3/18-19/2004. Hearing Officer issued decision on 4/19/2004 denying NASA's appeal. On 6/30/2004, NASA filed Motion for Withdrawal of Final Agency Decision and Request for Rehearing, Reconsideration and Stay. On 7/14/2004, Commissioner Burgess denied NASA's motion. On 8/13/2004 NASA filed petition for judicial review in the Superior Court of Fulton County to stay the Department's decision and for injunctive relief. On 11/29/2004, Superior Court ordered NASA to cease and desist all operations at the Peachtree Dunwoody Road facility until it applies for and receives CON approval. DIA and Georgia Alliance mandamus actions were rendered moot. NASA filed an Emergency Motion for Enforcement of Supersedeas, which was granted by the Court of Appeals on 12/22/2004. NASA also filed an application for discretionary appeal, which was granted on 1/12/2005 by the Court of Appeals.

**DET-2004-079 United Medical System, dba PET Scans of America**

United Medical Systems requested hearing on 7/7/2004 to contest cease and desist order issued by Department on 6/17/2004. Hearing Officer is Clifford Weiss.

**DET-2004-036 Coliseum Medical Centers and Coliseum Surgery Center**

Requested transfer of four endoscopy procedure rooms from hospital to Same-Day Surgery Center without CON review. Denied 6/17/2004. Coliseum requested a hearing on 7/15/2004. Hearing Officer is Ellwood Oakley. Hearing scheduled 12/8-9/2004. Hearing to be rescheduled.

**1995-092-CAN Southern Crescent Rehabilitation & Retirement Center**

Requested hearing on 10/26/2004 for the purpose of contesting a Notice of Cancellation issued by the Department. Hearing Officer is Walter Van Heiningen.

**DET-2003-020-CAN Piedmont Hospital-Fayette Community Hospital**

Requested hearing on 11/12/2004 to contest cancellation of Determination Letter of 2/13/2003. Hearing Officer is Ellwood Oakley. Hearing scheduled for 3/7/2005 at 9:00 am. Hearing postponed. New hearing date pending.

**2004-039-C&D First Source Diagnostic Center, Inc.**

On 10/25/04, the Department issued a second Cease and Desist letter requiring First Source to cease offering MRI services until the resolution of all pending appeals. First Source requested hearing contesting this second cease and desist letter, 11/19/04. Hearing Officer is Walter Van Heiningen. Northside Hospital filed Motion to Intervene, 1/13/2005. Hearing was held 2/15-17/2005.

**2004-039-CMP First Source Diagnostic Center, Inc.**

On 12/3/2004, the Department notified First Source that civil monetary penalties had been instituted due to violation of the CON Statute. First Source requested hearing on 12/30/2004 to contest the imposed fines. Hearing Officer is Walter Van Heiningen. Northside Hospital filed Motion to Intervene, 1/13/2005. Hearing was held 2/15-17/2005.

**LNR-MRI-2004-028 Neurology Specialists of Savannah, P.C.**

Acquire pre-owned MRI unit to be installed as part of a new full service neurology facility. Request denied 1/21/2005. Applicant requested hearing 2/2/2005. Ellwood Oakley is Hearing Officer. Hearing scheduled 6/6/2005 at 9:00 am.

## **Requests For Letters Of Non-Reviewability For Establishment Of Physician-Owned Ambulatory Surgery Facilities**

**LNR-ASC-2004-027 Foot & Ankle Center of Middle Georgia, LLC**

Establish a physician-owned, single specialty, ambulatory surgery center

**Site:** 1040 Morningside Drive, Perry, GA

**Number of OR's:** 1 **Specialty:** Podiatry

**Physician(s) authorization requested:** 1 - Sarvepalli D. Jokhai

**Project costs as submitted:** \$478,032.35

**Request received:** 9/8/2004

**Contact person:** Roger N. Phillips, (770) 335-9797

**Determination:** Pending **Determination Date:**

**LNR-ASC-2004-037 Surgery Center for Urology, LLC**

Establish a physician-owned, single specialty ambulatory surgery center

**Site:** 290 Country Club Drive, Suite 240, Stockbridge, GA 30281

**Number of OR's:** 2 **Specialty:** Urology

**Physician(s) authorization requested:** 5

**Project costs as submitted:** \$1,380,588.05

**Request received:** 12/22/2004

**Contact person:** Daniel J. Mohan, (404) 504-7610

**Determination:** Pending **Determination Date:**

**LNR-ASC-2005-002 Gainesville Eye Associates, LLC**

Construct a physician-owned, single specialty, office-based ambulatory surgery center

**Site:** 2061 Beverly Road, Gainesville, GA

**Number of OR's:** 2 **Specialty:** Ophthalmology

**Physician(s) authorization requested:** 2  
**Project costs as submitted:** \$1,146,775  
**Request received:** 2/7/2005  
**Contact person:** Edward C. Luke, Jr., (770) 951-8427  
**Determination:** Pending      **Determination Date:**

**LNR-ASC-2005-005    Center for Spine & Pain Medicine, P.c.**  
Establish a physician-owned, single specialty, office-based ambulatory surgery center  
**Site:** Northpark Subdivision, Whitfield County, GA (specific address not yet available)  
**Number of OR's:** 1      **Specialty:** Pain Management  
**Physician(s) authorization requested:** 1  
**Project costs as submitted:** \$1,397,313.53  
**Request received:** 3/28/2005  
**Contact person:** Robin Beatty, (404) 725-8786 or (770) 516-1775  
**Determination:** Pending      **Determination Date:**

**LNR-ASC-2005-006    Northeast Endoscopy Center, LLC**  
Establish a physician-owned, single specialty, office-based ambulatory surgery center.  
**Site:** 721 Wellness Way, Lawrenceville, GA  
**Number of OR's:** 3      **Specialty:** Gastroenterology  
**Physician(s) authorization requested:** 4  
**Project costs as submitted:** \$1,403,698  
**Request received:** 4/4/2005  
**Contact Person:** Edward C. Luke, Jr., (770) 951-8427  
**Determination:** Pending      **Determination Date:**

**LNR-ASC-2005-007    North Georgia Institute for Wound Care, LLC**  
Establish a physician-owned, single specialty, office-based ambulatory surgery center  
**Site:** 250 Pirkle Road, Suite C, Cumming, GA  
**Number of OR's:** 1      **Specialty:** Wound Management  
**Physician(s) authorization requested:** 1  
**Project costs as submitted:** \$336,521.00  
**Request received:** 4/13/2005  
**Contact Person:** Edward C. Luke, Jr., (770) 951-8427  
**Determination:** Pending      **Determination Date:**

**LNR-ASC-2005-008    Forsyth Street Orthopaedic Surgery & Rehabilitation Center, P.C.**  
Establish a physician-owned, single specialty, office-based ambulatory surgery center  
**Site:** 1716 Forsyth Street, Macon, GA  
**Number of OR's:** 2      **Specialty:** Orthopaedics  
**Physician(s) authorization requested:** 6  
**Project costs as submitted:** \$1,484,099.75  
**Request received:** 4/15/2005  
**Contact Person:** Gayle R. Evans, (770) 794-4944  
**Determination:** Pending      **Determination Date:**

## **Requests for Letters of Non-Reviewability for Diagnostic or Therapeutic Equipment**

**LNR-EQT-2005-006 Albany Diagnostic Center, LLC, Albany, Dougherty County, Georgia**  
Request to acquire a fixed-based GE LightSpeed Qx/I CT Scanner to be located in freestanding multi-modality imaging center  
**Site:** 2624 Dawson Road, Albany, Georgia 31701  
**Value as Submitted:** \$519,118.50      **Request Received:** 3/9/2005  
**Contact Person:** Richard L. Gray (706) 354-1036  
**Determination:** LNR Issued      **Determination Date:** 4/14/2005

**LNR-EQT-2005-008 Neurological Institute of Savannah, PC, Savannah, Chatham County, Georgia**  
Request to purchase a fixed-based 1995 GE Signa 1.0T Horizon MRI unit for use in practice-based imaging  
**Site:** 2101 Tebeau Street, Waycross, Ware County, Georgia 31501  
**Value as Submitted:** \$386,616.76 **Request Received:** 3/22/2005  
**Contact Person:** Robert T. Mathews (912) 355-1010  
**Determination:** LNR Issued **Determination Date:** 4/12/2005

**LNR-EQT-2005-009 Augusta Cardiology Clinic, PC, Augusta, Richmond County, Georgia**  
Request to acquire by operational lease a Siemens SOMOTOM Sensation 16 MultiSlice CT Scanner for use in practice-based imaging  
**Site:** 3624 J. Dewey Gray Circle, Suite 270, Augusta, Georgia 30909  
**Value as Submitted:** \$732,000.00 **Request Received:** 4/4/2005  
**Contact Person:** Vickie Echols (706) 724-3473  
**Determination:** Pending **Determination Date:**

**LNR-EQT-2005-010 Open MRI & Imaging of Georgia, Inc. d/b/a MRI & Imaging of Habersham, Demorest, Habersham County, Georgia**  
Request to acquire by purchase a fixed-based GE Profile III MRI Scanner for use in freestanding single-modality imaging center  
**Site:** 638 Historic Highway 441 North, Demorest, Georgia 30535  
**Value as Submitted:** \$710,397.50 **Request Received:** 4/8/2005  
**Contact Person:** John K. Luke (770) 300-0101  
**Determination:** Pending **Determination Date:**

**LNR-EQT-2005-011 Urology Center of Columbus, LLC, Columbus, Muscogee County, Georgia**  
Request to acquire by purchase a fixed-based GE Gold Seal CTi system for use in practice-based imaging  
**Site:** 2100 North Avenue, Columbus, Georgia 31904  
**Value as Submitted:** \$352,380.00 **Request Received:** 4/28/2005  
**Contact Person:** Dr. William M. Harper IV (706) 653-9637  
**Determination:** Pending **Determination Date:**

**LNR-EQT-2005-012 Douglas MRI, LLC, Douglas, Coffee County, Georgia**  
Request to acquire by purchase a fixed-based ARTOSCAN Extremity MRI unit for use in practice-based imaging  
**Site:** 204 Westside Drive, Douglas, Georgia  
**Value as Submitted:** \$269,142.00 **Request Received:** 4/29/2005  
**Contact Person:** Jeanne Tucker (912) 283-6471  
**Determination:** Pending **Determination Date:**

**LNR-EQT-2005-013 Emory Adventist Hospital, Smyrna, Cobb County, Georgia**  
Request to acquire by operational lease a fixed-based ONI Medical Systems OrthoOneXT MRI unit for use in hospital  
**Site:** 3969 South Cobb Drive, Suite 101, Smyrna, Georgia  
**Value as Submitted:** \$508,950.00 **Request Received:** 4/29/2005  
**Contact Person:** Everette B. Jenkins (678) 625-4720  
**Determination:** Pending **Determination Date:**

## Requests for Miscellaneous Letters of Determination

**DET-2005-001 Doctors Hospital Surgery Center, Evans, Georgia**  
Request for determination regarding addition of two minor procedure rooms at a cost below the capital expenditure threshold  
**Request Received:** 1/4/2005  
**Contact Person:** Jennifer D. Malinovsky, Esq. (404) 817-6136  
**Determination:** Non-Reviewable as Proposed **Determination Date:** 5/6/2005

**DET-2005-018 Diagnostic Systems of Georgia, LLC, Athens, Clarke County, Georgia**

Request for determination regarding associated and simultaneous development

**Request Received:** 3/16/2005

**Contact Person:** Richard Gray (706) 354-1036

**Determination:** Pending

**Determination Date:**

**DET-2005-022 NovaMed Management Services, LLC, Atlanta, Fulton County, Georgia**

Request for determination regarding expenditures below capital threshold

**Request Received:** 3/29/2005

**Contact Person:** Scott T. Macomber (312) 664-4100

**Determination:** Non-Reviewable as Proposed

**Determination Date:** 4/14/2005

**DET-2005-023 Elbert Memorial Hospital, Elberton, Elbert County, Georgia**

Request for determination regarding replacement of CT Scanner

**Request Received:** 3/29/2005

**Contact Person:** Kent E. Lederman (770) 698-0415

**Determination:** Non-Reviewable as Proposed

**Determination Date:** 4/15/2005

**DET-2005-024 Phoebe Putney Memorial Hospital, Inc., Albany, Dougherty County, Georgia**

Request for determination regarding replacement of CON-approved MRI unit

**Request Received:** 3/29/2005

**Contact Person:** Lori Jenkins (229) 312-1432

**Determination:** Non-Reviewable as Proposed

**Determination Date:** 4/15/2005

**DET-2005-025 Floyd Medical Center, Rome, Floyd County, Georgia**

Request for determination regarding expenditures to remediate sub-surface problems associated with Project No. GA 2003-051

**Request Received:** 4/6/2005

**Contact Person:** Dan Sweitzer (706) 509-3259

**Determination:** Pending

**Determination Date:**

**DET-2005-026 Phoebe Putney Memorial Hospital, Albany, Dougherty County, Georgia**

Request for determination replacement of emergency center information system

**Request Received:** 4/19/2005

**Contact Person:** Lori Jenkins (229) 312-1432

**Determination:** Pending

**Determination Date:**

**DET-2005-027 Macon Northside Hospital, Macon, Bibb County, Georgia**

Request for determination regarding replacement of MRI unit

**Request Received:** 4/19/2005

**Contact Person:** Bud Costello (478) 757-5990

**Determination:** Pending

**Determination Date:**

**DET-2005-028 The Hospital Authority of Houston County d/b/a Houston Medical Center, Warner Robins, Houston**

Request for determination regarding relocation of Accounting/Business Office from main hospital to remote leased space

**Request Received:** 4/26/2005

**Contact Person:** Arthur P. Christie (478) 542-7740

**Determination:** Pending

**Determination Date:**

**DET-2005-029 The Hospital Authority of Houston County d/b/a Houston Medical Center, Warner Robins, Houston County, Georgia**

Request for determination regarding renovation of existing space within hospital to create a second C-Section room

**Request Received:** 4/26/2005

**Contact Person:** Arthur P. Christie (478) 542-7740

**Determination:** Pending

**Determination Date:**

**DET-2005-030 The Hospital Authority of Houston County d/b/a Houston Medical Center, Warner Robins, Houston County, Georgia**

Request for determination regarding proposal to re-open two of three closed inpatient general operating rooms

**Request Received:** 4/26/2005

**Contact Person:** Arthur P. Christie (478) 542-7740

**Determination:** Pending

**Determination Date:**

**DET-2005-031 The Hospital Authority of Houston County d/b/a Houston Medical Center, Warner Robins, Houston County, Georgia**

Request for determination regarding proposal to convert psychiatric beds to med/surg beds within licensed capacity

**Request Received:** 4/28/2005

**Contact Person:** Arthur P. Christie (478) 542-7740

**Determination:** Pending

**Determination Date:**

**DET-2005-032 Evans Memorial Hospital, Claxton, Evans County, Georgia**

Request for determination regarding replacement of 6 hospital beds at a cost below the capital expenditure threshold

**Request Received:** 4/29/2005

**Contact Person:** Ron Gilliard (912) 739-5102

**Determination:** Pending

**Determination Date:**

**DET-2005-033 CareSouth HHA Holdings, Inc., Lawrenceville, Gwinnett County, Georgia**

**CarePartners @ Home of Georgia I, Inc.**

Request for transfer of Gwinnett County from authorized home health service area of CareSouth HHA Holdings to the service area of CarePartners @ Home of Georgia I

**Request Received:** 5/4/2005

**Contact Person:** Kelly C. Tripp (706) 854-7428

**Determination:** Pending

**Determination Date:**

## **Requests for Extended Implementation/Performance Period**

**2001-069 Children's Healthcare of Atlanta ASC Satellite Clinic**

Establish Ambulatory Surgery Services at Satellite Clinic

Request to extend implementation period

**Site:** 2660 Satellite Boulevard (Gwinnett)

**Project Approved:** 6/10/2002

**Contact:** David Tatum (404) 486-1885    **Approved Cost:** \$9,722,842

**Determination:** Approved, 5/9/2005    **Extended Effective Date:** 12/9/2005

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